

**CITY OF EL PASO, TEXAS  
REQUEST FOR COUNCIL ACTION (RCA)**

**DEPARTMENT:** Solid Waste Management

**AGENDA DATE:** December 7, 2004

**CONTACT PERSON/PHONE:** Ellen A. Smyth, P.E., (915) 621-6719

**DISTRICT(S) AFFECTED:** 4

**SUBJECT:**

Resolution/Release to release property liens placed against 5300 Hondo Pass/9100 Alps

**BACKGROUND / DISCUSSION:**

The property was cleaned:  
November 10 and 13, 1993 - \$831.23  
August 22, 1998 - \$ 479.55  
October 2, 2002 - \$ 705.79

Ten (10%) percent interest has been paid.

**PRIOR COUNCIL ACTION:**

The Property Lien Resolutions were placed on May 31, 1994, February 2, 1999 and August 15, 2004.

**AMOUNT AND SOURCE OF FUNDING:**

Enterprise Fund

**BOARD / COMMISSION ACTION:**

N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) Lisa A. Hayes

**FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:** \_\_\_\_\_

(Example: if RCA is initiated by Purchasing, client department should sign also)  
*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

## RESOLUTION

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign release of liens on the following properties (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to these solid waste management liens for :

|  | <u>Lien</u> | <u>Interest</u> | <u>Total Paid</u> |
|--|-------------|-----------------|-------------------|
| 5300 Hondo Pass/9100 Alps<br>and 9100 Hollings<br>District 4 | \$ 831.23   | \$ 859.01       | \$1,690.24        |
| 5300 Hondo Pass Drive<br>District 4                          | \$ 479.55   | \$ 268.44       | \$ 747.99         |
| 9100 Block of Alps Drive<br>District 4                       | \$ 705.79   | \$ 77.52        | \$ 783.31         |

**ADOPTED this 7th day of December, 2004.**


CITY OF EL PASO

\_\_\_\_\_  
Joe Wardy  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lisa A. Hayes  
Assistant City Attorney

STATE OF TEXAS            )  
                                      )  
COUNTY OF EL PASO        )

**RELEASE**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of the El Paso City Code, after providing due notice to the owner of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of the El Paso City Code, and the owner failed to comply after due notice, the City's Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds and/or other rubbish; and

**WHEREAS**, the El Paso City Council, in accordance with Section 9.04.380 of the El Paso City Code, declared the total amount of TWO THOUSAND AND SIXTEEN AND 57/100 DOLLARS (\$2,016.57) to be liens on the hereinafter described property by Resolution dated May 31, 1994, in the amount of Eight Hundred Thirty One and 23/100 Dollars ( \$831.23), and said Resolution is recorded in Book 2776, Page 1603, of the Deeds Records of El Paso County, Texas; and Resolution dated February 2, 1999, in the amount of Four Hundred Seventy Nine and 55/100 Dollars ( \$479.55), and said Resolution is recorded in Book 3531, Page 0736 of the Deeds Records of El Paso County, Texas; and by Resolution dated August 15, 2003, in the amount of Seven Hundred and Five and 79/100 Dollars (\$705.79) and said Resolution is recorded in Book 4673, Page 1224, of the Deeds Records of El Paso County, Texas; and

**WHEREAS**, the El Paso City Council has calculated the interest on this lien to be at ten percent annum (10%) totaling ONE THOUSAND TWO HUNDRED AND FOUR AND 97/100 DOLLARS (\$1,204.97); and,

**WHEREAS**, the property owner desires a release of the property covered by said solid waste management liens and has made satisfactory arrangement with the City of El Paso to justify said releases;

**NOW, THEREFORE**, in consideration of the above, the City of El Paso, for valuable consideration, the receipt whereof is hereby acknowledged, does release the following property from the above-mentioned solid waste management liens:

5300 Block of Hondo Pass Drive, 9100 Block of Alps and 9100 Hollings, City of El Paso, El Paso County, Texas, being more particularly described as E 75 Ft of Lot 11, Parcel T527-999-0160-8500, W 75 Ft of E 150 Ft of Lot 11, Parcel T527-999-0160-9100, Pt of Lot 11 NWC, Parcel T527-999-0160-6700, Pt of Lot 11, Parcel T527-999-0160-9700, Pt of 11 BEG 149.82 Sq Ft N of SWC, Parcel T527-999-0160-6100, Block 16, Tobin Park Subdivision,

**EXECUTED this 7th day of December, 2004.**

CITY OF EL PASO

\_\_\_\_\_  
Joe Wardy  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

*L. Hayes*  
\_\_\_\_\_  
Lisa A. Hayes  
Assistant City Attorney

(ACKNOWLEDGEMENT FOLLOWS ON NEXT PAGE)

STATE OF TEXAS            )  
                                      )  
COUNTY OF EL PASO        )

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, as \_\_\_\_\_ of the CITY OF EL PASO, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before in my county aforesaid that he had executed the same for the purpose and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

**GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_ day of \_\_\_\_\_, 2004.**

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Texas